

VALET PARKING ORDINANCE

ORDINANCE NO. 15092

AN ORDINANCE AMENDING CHAPTER 30, "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY ADDING A NEW ARTICLE VI, "VALET PARKING", CONTAINING PROVISIONS REQUIRING A VALET PARKING PERMIT TO OPERATE A VALET PARKING SERVICE; REQUIRING AN APPLICATION AND ANNUAL PERMIT FEE; ALLOWING THE DENIAL, REVOCATION, OR TEMPORARY SUSPENSION OF THE PERMIT; PROVIDING STANDARDS FOR OPERATION; PROVIDING REGULATIONS FOR SERVICE STANDS AND LOCATION OF VALET PARKING SERVICE; REQUIRING INSURANCE AND INDEMNIFICATION BY THE VALET SERVICE; ALLOWING SIGNS AND MARKINGS BY THE CITY TRAFFIC ENGINEER FOR SERVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Chapter 30, "STREETS AND SIDEWALKS", of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by adding the following new Article:

ARTICLE VI. VALET PARKING.

SEC. 30-89. DEFINITIONS.

For the purposes of this article:

- (1) DIRECTOR means the Director of the Transportation and Public Works Department or the director's designated representative.
- (2) LICENSEE means a person licensed under this article to operate a valet parking service. The term includes any employee, agent, or independent contractor of the person in whose name the Valet Parking Permit is issued.

(3) "VALET PARKING SERVICE" means a business, or any part of a business, which provides a person to operate a vehicle to and from a parking location so that the driver and any passengers in the vehicle may unload and load at their immediate destination.

(4) "VALET PARKING PERMIT" means a permit issued by the director authorizing a valet parking service to use the City's right-of-way.

SEC. 30-90. PURPOSE.

This article applies only to a valet parking service provided in connection with a commercial establishment or commercial activity and does not apply to occasional valet parking services provided at a private residences or in connection with a social or fundraising activity.

SEC. 30-91. VALET PARKING PERMIT REQUIRED; APPLICATION; ISSUANCE.

(a) A person who desires to operate a valet parking service on public right-of-way, or on private property which requires the use of the public right-of-way for maneuvering vehicles, shall apply in writing to the director for a valet parking permit. **One application per site must be made to the director.** The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service or the valet parking service and must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the independent contractor, if any, the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 25 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; a minimum number of two spaces must be reserved unless the director determines that because of special traffic conditions, a greater

number of spaces is needed to efficiently operate the valet parking service;

- (4) the proposed hours and days of operation of the valet parking service;
- (5) the location of off-street parking, if off-street parking is to be used, and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that off-street location;
- (6) proof of insurance as required by Section 30-99, and
- (7) copies of written notification to all property owners, or their representatives, located within 100 feet of, on the same side of the street as, and within the same block as the valet parking service location.

(b) The director shall forward a copy of any completed application to any person required to be listed under Subsection (a)(7) and to departments or offices of Police, Law and any other department that might be affected by the operation of the proposed valet parking service. Each office or department, and any other notified persons, shall review the application and return it with any comments, to the director within 30 days of receipt.

(c) After reviewing the application and comments of the departments and of any person notified in accordance with subsection (a)(7), and upon receiving payment of all fees required by this division, the director shall issue a valet parking permit if the applicant meets the requirements of this article.

(d) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section.

(e) A valet parking permit expires one (1) year from the date of issuance unless sooner terminated by the director. A valet parking permit must be renewed at least 30 calendar days before expiration through a renewal application in which the licensee must disclose any changes related to the valet parking service and payment of all necessary fees. If renewal is denied by the director then the licensee may appeal. Failure to apply for renewal of valet parking permit shall necessitate initiation of a new application.

SEC. 30-92. VIOLATIONS.

- (a) It shall be an offense to operate a valet parking service within the city on a public right-of-way for maneuvering vehicles without a valet parking permit issued by the director.
- (b) It shall be an offense if, at a time other than the hours and days of operation authorized in a licensee's valet parking permit, licensee or licensee's employee, agent, or independent contractor operates a valet parking service within the city on a public right-of-way.

SEC. 30-93. FEES.

- (a) The Licensee must pay an annual fee of \$500 for each approved application.
- (b) If the Director determines that more than two spaces are necessary, the fee shall be \$150 per additional space per year.
- (c) Nonprofit organization shall be exempt from these fees. Supporting documentation showing the nonprofit status shall be submitted with the application.

**SEC. 30-94. DENIAL OR REVOCATION OF VALET PARKING PERMIT;
TEMPORARY SUSPENSION.**

- (a) The director shall deny a valet parking permit if:
 - (1) the applicant fails to comply with the requirements of this article or other applicable law;
 - (2) the applicant makes a false statement of material fact or omission on an application for a valet parking permit; or
 - (3) the director determines that the operation of the valet parking service would:
 - (A) endanger the safety of persons or property or otherwise not be in the public interest;
 - (B) unreasonably interfere with pedestrian or vehicular traffic;
 - (C) unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox or other object permitted at or near the proposed location of the valet parking service; or
 - (D) unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.

- (b) The director shall revoke a valet parking permit if:
 - (1) the licensee fails to comply with the requirements of the valet parking service of this article, or other applicable law;
 - (2) the licensee made a false statement or omission of material fact on an application for a valet parking permit; or
 - (3) the director determines that the operation of the valet parking service:
 - (A) endangers the safety of persons or property or is otherwise not in the public interest;
 - (B) unreasonably interferes with pedestrian or vehicular traffic;
 - (C) unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the location of the valet parking service; or
 - (D) unreasonably interferes with an existing use permitted at or near the location of the valet parking service.
- (c) After receipt of notice of revocation, the permit holder shall immediately discontinue providing valet parking service using the public right-of-way.
- (d) The director may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for construction, maintenance, or repair of streets or utilities.
- (e) The Police or Fire Chief, or their designated representatives, may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use.
- (f) If the director revokes, denies or suspends a permit, licensee shall receive written notice of his action, the reason for the revocation, denial or suspension and that the licensee has the right to appeal director's decision. The decision of the director is final unless a timely appeal is made.

SEC. 30-95. APPEAL OF DENIAL OR REVOCATION OF A VALET PARKING PERMIT.

- (a) A person may appeal a denial, suspension or revocation of valet parking permit if he or she requests an appeal, in writing, received by the city manager not

more than ten (10) days after notice of the action of the director is received by the applicant.

(b) The city manager or his designated representative shall act as the appeals hearing officer in an appeal under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his or her behalf. The formal rules of evidence shall not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing

(c) The hearing officer may affirm, modify or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final.

(d) All notices required under this article shall be in writing and sent certified or registered, return receipt requested through the United Postal Service.

SEC. 30-96. STANDARDS FOR OPERATION OF A VALET PARKING SERVICE.

(a) A licensee shall:

(1) allow only employees and independent contractors who hold a valid state driver's license, and who are covered by the insurance required by Section 30-100 of this article, to operate any vehicle in connection with the valet parking service;

(2) operate the valet parking service in a manner that does not:

(A) use or occupy more of the public right-of-way than is allowed by the valet parking permit;

(B) obstruct a pedestrian's use of a sidewalk;

(C) obstruct a vehicle operator's ability to see any part of an intersecting road; or

(D) injure, damage, or create a hazard to persons or property;

(3) place no more than one valet parking service stand on the public right-of-way;

(4) not place nor allow the placement of a sign advertising the valet parking service in the public right-of-way; except as provided for under Section 30-101.

(5) not park nor allow the parking or standing of a vehicle in a valet

parking service space. Said space shall only be used for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;

(6) not park a vehicle on the public right-of-way and shall use only an off-street parking location to park a vehicle accepted for valet parking service and

(7) notify director within 10 days of a change in the location of off-street parking and provide director with a signed agreement or other documentation showing that the licensee has a legal right to park vehicles at the new location.

(b) Except for the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first served basis in accordance with posted signs and other traffic control devices, except where parking is restricted or prohibited.

SEC. 30-97. VALET PARKING SERVICE STANDS.

(a) A licensee may place one valet parking service stand on the public right-of-way at a location approved by the director. The valet parking service stand must be necessary to the general conduct of the valet parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas and other necessary items.

(b) A valet parking service stand shall:

(1) not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;

(2) not be affixed to the public right-of-way in any manner;

(3) be removed from the public right-of-way when the valet parking service is not being operated; and

(4) not unreasonably interfere with pedestrian or vehicular traffic.

(c) A name and/or logo may be placed on a valet parking service stand for the sole purpose of identifying the valet parking service. The identification of the valet parking service shall not have dimensions greater than four feet high and four feet wide.

SEC. 30-98. LOCATION OF A VALET PARKING SERVICE.

(a) Spaces and stands for a valet parking service may not:

- (1) be within ten (10) feet of a crosswalk;
- (2) be within ten (10) feet of a fire hydrant, fire call box, police or other emergency facility;
- (3) be within five (5) feet of a driveway;
- (4) be within three (3) feet in front of or fifteen (15) feet behind a sign marking a designated bus stop;
- (5) be within five (5) feet of a bus bench; or
- (6) reduce the unobstructed space for the passage of pedestrians to less than four (4) feet

(b) The director may require greater distances than those prescribed in subsection (a) when warranted by special vehicular or pedestrian traffic conditions.

(c) The licensee must provide to the director a site map showing location of valet parking, placement of valet stand, and off-site valet parking. This map shall also include the placement of any traffic cones to be used.

SEC. 30-99. INSURANCE.

(a) A licensee shall procure, or cause to be procured, and keep in full force and effect, and shall keep on file with the director, a policy of **Commercial General Liability** and **Garage Keepers** insurance, as evidenced by a certificate of insurance issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state and accepted by the Risk Management Division of the Finance Department. The insured provisions of the policy must name the City of Fort Worth, and its officers and employees, as additional insureds and the coverage provisions must insure the public from loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the licensee.

(b) The Commercial General Liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than **\$1,000,000** combined single limit, or the equivalent. The aggregate shall be not less than **\$2,000,000**.

(c) In addition, the Garage Keepers insurance must provide limits of liability for bodily injury and property damage of not less than **\$1,000,000** combined single

limit, or the equivalent, and the aggregate shall be not less than \$2,000,000 and must provide the following coverage:

- (i) Comprehensive and collision coverage for physical damage.
- (ii) Coverage for vehicle storage.
- (iii) Coverage for a vehicle driven by or at the direction of the licensee.
- (ix) Coverage for property damage, if the policy does not include property damage.

(d) The insurance policy required by Subsection (a) of this section shall contain an endorsement which provides for ten (10) days notice to the director in the event of any material change or cancellation of the policy.

(e) This section does not preclude additional or more stringent requirements for valet parking services operated under a contract with the City.

SEC. 30-100. INDEMNIFICATION AND HOLD HARMLESS.

A licensee, and any independent contractor used by the licensee, must execute a written agreement to indemnify and hold harmless the City and its officers and employees against all claims or injury or damage to persons or property arising out of the operation of the valet parking service by the licensee.

SEC. 30-101. SIGNS AND MARKINGS.

The director, or his designated representative, is authorized to place city signs or curb markings at a location licensed for a valet parking service pursuant to this article. The signs and markings shall:

- (1) indicate that the location is restricted for use by a valet parking service; and
- (2) state the days and hours of operation of the valet parking service; and
- (3) include a tow away sign.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such

Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 6.

This ordinance shall be effective upon its passage and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By:


Assistant City Attorney

ADOPTED: 5-7-02

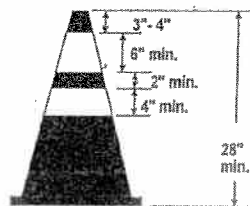
EFFECTIVE: 5-15-02

VALET PARKING LIMITS:



LEGEND

- Traffic Cones
- ✓ No Parking Sign



Traffic cones shall be orange in color and shall be a minimum height of 28 inches. Cones shall be provided with white reflective tape or collars for nighttime use.

**VALET PARKING
SITE PLAN**

City of Fort Worth

List of Approved Non-consent Towing Companies

NAME	ADDRESS	PHONE
ACTION WRECKER	901 S RIVERSIDE DR	534-1100
AMERICAN TOW	3300 LAWNWOOD ST	332-5651
BEARDS	5305 VESTA FARLEY RD	332-3905
CARDINAL	4009 HWY 157	540-5533
DENNYS	616 HOUSTON	461-2338
LONESTAR	437 HARROLD ST	334-0606
MADDUX	805 EAST LOOP 820	451-1619
ALLIANCE	4421 E BELKNAP ST	834-4877
BALLARDS	7000 SOUTH FW	293-0840
CORNISH	2557 S RIVERSIDE DR	535-0151
TRINITY	818 SOUTH FW	332-3443
MORRIS	2700 E BELKNAP ST	834-5678
PURRFECT	2515 W WAGGOMAN	800-8887
THOMAS	2257 S RIVERSIDE DR	531-8730
AMER. ROADSIDE	2205 S RIVERSIDE DR	870-5068
A-1	3032 RAMONA DR	244-0043
BUDDYS	465 N GRANTS LN, WS	882-8339
MILNER	7532 SAND ST, BLDG 17	590-0308
NORMANS	4112 BENBROOK HWY	560-3055
QUALITY	2015 ROBERTS CUT OFF RD	626-7862
TEXAS TOWING WRECKER	205 COMMERCIAL ST	877-0206
ABC	10289 NORTH FW	498-2125
ADVANCED	465 N GRANTS LN	921-4911
CARISMA	3055 DECATUR AVE	538-3035
EDD'S	708 KATY RD #B	431-4569
FT WORTH	4421 E BELKNAP ST	834-0263
METRO 1	10019 HARMON RD	281-7674
WESTERN	465 N GRANTS LN	336-2220
WESTLOOP	3055 DECATUR	624-4056
BIVINS	437 HARROLD ST	332-8903
GUY SIMONS	437 HARROLD ST	332-8600
H & R	2015 ROBERTS CUT OFF RD	626-6888
SEGA	2711 S RIVERSIDE DR	572-7775
NORTHEAST	10019 HARMON RD	284-5333

THE BELOW COMPANIES ARE PERMITTED ON AN ANNUAL BASIS FOR NON-CONSENT TOWING IN THE CITY

DATE

ABANDONED VEHICLE ENFORCEMENT	6831 Old Randol Mill Road	457-0188	02/21/09
A-ARLINGTON ABANDONED VEHICLE	714 East Division Street, Arlington	461-7855	01/24/09
ERIC'S TOWING	7084 East Kennendale Pkwy., Kennendale	715-8010	Expired Permit
EXCALIBUR TOWING	P.O. Box 2474, Arlington	538-3718	
SOUTHWEST AUTO TOWING	P.O. Box 6957, Fort Worth	615-8299	12/31/08

ROBERTO WRECKER COMPANY
TARRANT COUNTY
ABANDONED VEHICLE

3318 NW 26th Street
4401 Carey Road

625-0602 09/05/08
872-4311 08/31/08

TPW/TRAFFIC ENGINEERING
STREET MANAGEMENT SECTION

BASIC INSURANCE REQUIREMENTS

VALET PARKING

The following items represent basic insurance requirements. Insurance coverage's listed below may be added as an endorsement on a Commercial General Liability policy.

1. Garage Liability Insurance shall provide liability for bodily injury and property damage resulting from the garage operations or operations of any auto whether or not owned by the insured and shall be in the minimum limit of **\$1,000,000**; other than garage operation which shall be **\$1,000,000** per occurrence and an aggregate of **\$2,000,000**.

2. Garage Keepers Insurance Policy

\$1,000,000 Limit for vehicles in the care, custody and control of licensee.
Maximum Deductibles shall not exceed:
 \$1,000 per unit
 \$5,000 per loss comprehensive
 \$1,000 for collision

Policy is to include the following:

- Comprehensive and collision coverage for physical damage
- Coverage for vehicle storage
- Coverage for a vehicle driven by or at the direction of the licensee
- Coverage for property damage

Policy Endorsements as follows:

- The City of Fort Worth, its Officers and Employees named as an Additional Insured
- Forty-five (45) days notice of cancellation or non-renewal. It would be advantages to the City to require the following clause:

"This insurance shall not be cancelled, limited in scope or coverage, cancelled or non-renewed, until after forty-five (45) days prior written notice has been given to the City of Fort Worth".

- Waiver of rights of recovery (subrogation) in favor of the City of Fort Worth.

3. The insurers for all policies must be licensed/approved to do business in the State of Texas and have minimum rating of A: VII in the current A. M. Best Key Rating Guide or have reasonably equivalent financial strength and solvency to the satisfaction of the Risk Manager.
4. The deductible or self-insured retention (SIR) affecting required insurance coverage shall be acceptable to the Risk Manager of the City of Fort Worth in regards to asset value and stockholders' equity. In lieu of traditional insurance, alternative coverage maintained through insurance pools or risk retention groups must also be approved.